

REMARKS

Claims 1-21 were originally filed in the present Application. The Applicants hereby confirm the provisional election of claims 11-21 made in response to the Examiner's telephone Election/Restriction Request on December 9, 2004. Claims 1-10 accordingly stand withdrawn.

Objection to the Oath/Declaration. The oath/declaration stands objected to for lack of mailing address(es) for the inventors. As the Examiner notes, this information may be provided in an Application Data Sheet. The Applicants respectfully submit that complete mailing addresses for each of the four inventors were submitted on the first page of the Application Data Sheet filed January 23 ,2004. Accordingly, withdrawal of the pending objection is respectfully requested.

Rejection Under § 112, Second Paragraph: Claims 11-21 stand rejected as indefinite, on the grounds that the function to be performed by the "switching means" is not recited in the claims.

The Applicants have amended independent claim 11 to recite the function of the switching means, *i.e.*, switching between at least an open state in which internal volumes are in communication with one another, and a closed state in which the internal volumes are not in communication.¹

In view of these amendments, reconsideration and withdrawal of the pending § 112, second paragraph, rejection is respectfully requested.

¹ Claims 11 and 12 have also been amended to correct erroneous reference to a "fluid testing device."

Rejection Under § 102(b): Claims 11-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,881,176 to Kononov (“Kononov”). The Applicants respectfully traverse this rejection on the grounds that Kononov fails to disclose all the features of the present invention recited in independent claim 11 and its dependent claims.

Claim 11 is directed to, *inter alia*, a filter *testing* device to which a filter or filter system may be attached (“the external connections include a filter connection *for connecting the filter or filter system to be tested*”). The testing device including means for cleaning of its internal volumes, isolated from fluids potentially contaminated by the multiple filters or filter systems that may be tested with the device (*i.e.*, the pending claims recite the cleaning “at least one internal volume” of the tester, where the internal volumes are connected via an *external* connection to the filters to be tested).

In contrast, Kononov discloses a *filter* apparatus in which pipes and valves are arranged *to clean the internal filter*. As shown in Kononov Fig. 1, the cleaning liquid supply enters the Kononov system at valve V2, *upstream* of the filter housing 10, and is removed *downstream* of the filter at valve V12. Thus, Kononov is arranged in a completely different manner than the present filter testing device, as there can be no cleaning of internal volumes without simultaneous cleaning of the filter in the same section of piping.

Because Kononov fails to disclose the present invention’s testing device in which its internal volumes may be cleaned separately from externally-connected filters or filter systems, Kononov fails to disclose the present invention under

§ 102(b). Reconsideration and withdrawal of the pending § 102(b) rejection of claims 11-21 is respectfully requested.

Rejections Under § 103(a): Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kononov, in view of U.S. Patent No. 5,714,379 to Phipps, Jr. (“Phipps”). The Applicants respectfully traverse this rejection on the grounds that no combination of Kononov and Phipps teaches or suggests the present invention.

As noted above, Kononov fails to disclose a filter testing device with all the features of the present invention, including internal volumes arranged to be cleaned separately from externally-connected filters or filter systems. Phipps fails to address the deficiencies of Kononov. Phipps, cited only for the use of steel or PTFE for lines or parts, fails to provide any suggestion regarding the arrangements of a filter testing device, let alone any modifications to Kononov to obtain the invention recited in independent claim 11 and its dependent claims. Accordingly, claim 21 is patentable under § 103(a) over the combination of Kononov and Phipps. Reconsideration and withdrawal of the pending § 103(a) rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that claims 11-21 are now in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in

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general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010743.52910US).

Respectfully submitted,

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J.D. Evans
Registration No. 26,269
Mark H. Neblett
Registration No. 42,028

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844